

IN THE DISTRICT COURT OF THE UNITED STATES
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

UNITED STATES OF AMERICA)	Criminal No. 3:08-cr-42-C
)	
vs.)	
)	ORDER
TOLLY A. KENNON, III)	

This matter comes before the Court on motion of Defendant KENNON for a continuance of this case beyond the July 2008 term of court. In his motion filed June 5, 2008, defense counsel requests a continuance of the trial date beyond the Court's July, 2008 term. Specifically, Defendant KENNON, a practicing attorney, requests a continuance of until May, 2009. KENNON has filed, through counsel, a written waiver of his right to a speedy trial. The United States does not oppose the defendant's motion.

Defendant KENNON has been charged by a federal grand jury in a six (6) count Bill of Indictment following a lengthy investigation. The indictment specifically charges that KENNON obstructed justice and/or tampered with witnesses in three (3) separate criminal prosecutions in which he represented indigent defendants charged with federal drug offenses. The United States Attorney's Office for the Western District of North Carolina recused itself from participation in the investigation and prosecution, and the United States is represented by Assistant United States Attorneys from the District of South Carolina. This Court has been designated as the presiding judge in this case by Chief Judge Karen Williams of the Fourth Circuit Court of Appeals. KENNON is represented by retained counsel, and KENNON's

lawyers have several significant trials scheduled during the next nine months. Discovery is voluminous, and is ongoing.

Based on the record of the proceedings to date and the representations made in the parties' filings, the Court agrees that a continuance in this case is necessary and will serve the ends of justice. The Court notes that this case is both unusual and complex and it finds that this continuance is justified under the provisions of Title 18, United States Code, §3161(h)(8)(A). The Court specifically finds that interests of justice are best served by this continuance and further finds that those interests outweigh the interest of the public and the defendant in a more speedy trial. The Court also notes that KENNON has unequivocally waived his right to a speedy trial.

With respect to scheduling, the Court sets the deadlines: (1) All motions are due by November 21, 2008; (2) Responses to motions are due by December 12, 2008; and (3) Any replies are due by December 19, 2008. A motions hearing is set for January 28, 2009 at 10:00 AM in Charlotte, North Carolina. Jury selection will be held on May 4, 2009, with the trial beginning on May 5, 2009.

IT IS THEREFORE ORDERED that the trial of this case is continued from July, 2008, until May 4, 2009. Any delay occasioned by the continuance is approved by the court and therefore excludable pursuant to 18, U.S.C. §3161(h)(8)(A).

IT IS FURTHER ORDERED that all parties will adhere to the schedule outlined above.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'D. Norton', is positioned above a horizontal line.

DAVID C. NORTON
CHIEF UNITED STATES DISTRICT JUDGE
DISTRICT OF SOUTH CAROLINA
(Sitting by Designation)

Charleston, South Carolina

June 18, 2008